

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

United States of America,

Plaintiff,

v.

Benjamin Leahy,

Defendant.

Case: 2:19-mj-30453

Judge: Unassigned,

Filed: 08-24-2019

USA v. BENJAMIN LEAHY(RMV)(MLW)

**GOVERNMENT'S PETITION FOR TRANSFER OF
DEFENDANT TO ANOTHER DISTRICT AND SUPPORTING BRIEF**

Pursuant to Rule 5(c)(3)(D) of the Federal Rules of Criminal Procedure, the United States of America hereby petitions the Court for an order transferring defendant Benjamin Leahy to answer to charges pending in another federal district, and states:

1. On August 23, 2019, defendant was arrested in the Eastern District of Michigan in connection with a federal arrest warrant issued in the Northern District of Ohio. Defendant is charged in that district with a violation of 21 U.S.C. 846.
2. Rule 5 requires this Court to determine whether defendant is the person named in the arrest warrant and is entitled to a preliminary examination as described in Paragraph One above. *See* Fed. R. Crim. P. 5(c)(3)(D)(ii).

WHEREFORE, the government requests this Court to conduct transfer proceedings in accordance with Rule 5 of the Federal Rules of Criminal Procedure.

Respectfully submitted,

MATTHEW SCHNEIDER
United States Attorney

A handwritten signature in black ink, appearing to read "C. F. Wining", is written over a horizontal line.

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(313) 226-9569
P57058

Dated: August 24, 2019

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of Ohio

United States of America

v.

Benjamin Leahy

Case No.

3:19MJ5305

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 2019 in the county of Lucas and elsewhere in the
Northern District of Ohio, the defendant(s) violated:

Code Section

21 U.S.C. 846

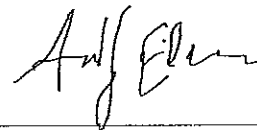
Offense Description

Conspiracy and Attempt to Possess with Intent to Distribute a Controlled Substance

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.



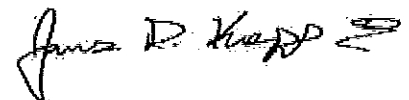
Complainant's signature

Andrew J. Eilerman, Special Agent FBI

Printed name and title

Aug 23, 2019

Sworn to via telephone after
submission by reliable electronic
means. Crim. Rules: 4.1; 41(d)(3)



James R. Knepp, II
United States Magistrate Judge

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO – WESTERN DIVISION

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of criminal complaint charging the Benjamin Leahy with conspiracy to possess fentanyl with intent to distribute, in violation of Title 21, United States Code, Section 846.

2. I am a Special Agent of the Federal Bureau of Investigation (FBI), and, have been since May, 2008. Your Affiant is currently assigned to the Cleveland Division. I worked in the same capacity in the Cincinnati Division, Dayton Resident Agency and the Minneapolis Division, Grand Forks, North Dakota Resident Agency. Your Affiant has investigated the commission of federal crimes involving criminal offenses and national security matters to include counterintelligence investigations, violent crimes, and drug trafficking. In the course of these duties, Your Affiant has participated in numerous federal search and arrest operations and conducted associated interviews which have resulted in the collection of evidence and admissions of multiple criminal violations.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

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4. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that a violation of 21 U.S.C. § 846 has been committed by Benjamin Leahy.

PROBABLE CAUSE

5. The United States, including the Federal Bureau of Investigation, is conducting a criminal investigation of Benjamin Leahy and other accomplices involved in a scheme whereby the participants conspired to possess, distribute and transport fentanyl in both the Northern District of Ohio and the Eastern District of Michigan, regarding possible violations of 21 U.S.C. § 846 Conspiracy to Possess fentanyl with intent to distribute.

6. On August 22, 2019, in the Northern District of Ohio, an individual was arrested for violating 21 U.S.C. § 846. This individual informed investigators of a pre-arranged plan whereby this individual and Leahy conspired to transport a mixture of heroin and fentanyl in the Eastern Division of Michigan in furtherance of an attempt to frame otherwise innocent individuals or to be used to cause serious bodily harm to said individuals. This individual became a cooperating witness ("CHS-2").

7. Also disclosed by CHS-2, were terms used to communicate with each other prior to the arrest of CHS-2, in order to speak freely about the illegal substances. Regarding transporting what was believed to be a mixture of heroin and fentanyl from Ohio to Michigan, Leahy and CHS-2 used the terms "hammock" and "fabric" when referring to "heroin" and "fentanyl". CHS-2 indicated that the narcotics were to be delivered to a business address located at located 3297 Orchard Lake Road, Keego Harbor, Michigan.

8. CHS-2 and Leahy planned to meet at the above referenced address in order to transfer the possession of the narcotics. When reviewing a series of encrypted text messages via

an application called "Signal" between CHS-2 and Leahy, Your Affiant noted the following conversation which occurred on August 22, 2019:

CHS-2: No. I got the top end of Hammock with woven Fabric. Special patent. Like you told me. I'll show you tomorrow.

9. On August 23, 2019, following a consensually recorded conversation between Leahy and CHS-2, Leahy sent the following encrypted message via an encrypted messenger application called "Signal" {It should be noted that Agents from the Federal Bureau of Investigation Cleveland Field Office, Toledo Resident Agency assumed the identity of CHS-2 at this point and any further discussions hereafter labeled "CHS-2" are being sent by said agents.}

Leahy: Don't over think this shit. It's already almost done it puts you in a position here you will be able to question moral and cognitive ability as related to motions and judgements and throw him into investigation then depending on what is decided we can install a new washer and dryer. Btw you have nothing to be worried about with anyone but the end user doing anything with that hammock.

Leahy: The fabric of the hammock is absolutely perfect and he will have a fuck of a time explaining why he has it installed where he placed it.

Leahy: You still on track to be back here by 5ish

Leahy: Brother I just need to let him know.

CHS-2: Been crazy. Yes a little after 5 or so

Leahy: I want to get the gift to the messenger and let him work

Leahy: Hey buddy I don't know what is going

CHS-2: Hold on driving careful with the fabric in the car and dealing with patients. Are you still able to meet at office

Leahy: On my way!

CHS-2: How far away

Leahy: 10 do you want to meet at car wash by your house

CHS-2: Office

Leahy: U there

CHS-2: Be there soon

Leahy: You might get there before me. Text me when youre there

CHS-2: I'm close. Go in my office and I'll bring fabric in to you. The code to get in is 57952#

Leahy: K

CHS-2: I can't get held up here long Lori is on my ass to get on the road to Chicago

Leahy: Pulling in in 5 at most

CHS-2: Should be there about same time

Leahy: I'm inside

CHS-2: Almost there

CHS-2: Fuck. I don't have time for this. Just come outside and meet me at my car and get this.

I need to get going.

10. Agents and Task Force Officers from the Detroit Field Office were conducting surveillance on Leahy and noted that he arrived, entered and exited the office location as Leahy discussed with agents acting as CHS-2 while utilizing CHS-2's cellular telephone.

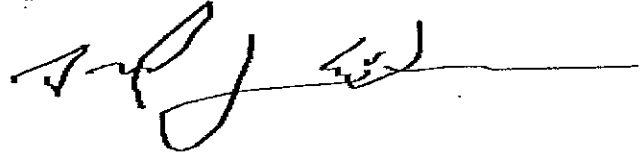
11. Leahy was taken into custody without incident and was detained while further investigation was conducted.

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CONCLUSION

12. Based on my knowledge, training and experience, and the facts set forth in this affidavit, I respectfully submit that there is probable cause to believe that the defendants conspired to possess fentanyl with the intent to distribute it, in violation of Title 21, United States Code, Section 846.

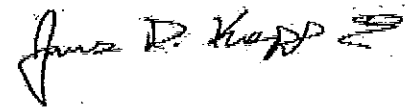
Respectfully submitted,



Andrew Eilerman
Special Agent
Federal Bureau of Investigation

Aug 23, 2019

Sworn to via telephone after
submission by reliable electronic
means: Crim. Rules. 4.1; 41(d)(3)



James R. Knepp, II
United States Magistrate Judge